

**SIXTY-FOURTH LEGISLATIVE DAY
MONDAY, MARCH 10, 2003**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Casey DuBose, Page.

Approval of Journal

March 10, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-first Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

Mr. Sali asked unanimous consent that Rule 70, with the exception of smoking, be suspended for the balance of the Legislative Day. There being no objection, it was so ordered.

March 7, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1031** and **S 1112** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1031** and **S 1112** and, when so signed, ordered them returned to the Senate.

March 7, 2003

Mr. Speaker:

I return herewith enrolled **HCR 23**, **HCR 18**, **HCR 19**, **H 22**, **H 162**, **H 164**, and **H 165** which have been signed by the President.

WOOD, Secretary

Enrolled **HCR 23**, **HCR 18**, and **HCR 19**, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Enrolled **H 22**, **H 162**, **H 164**, and **H 165** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 7, 2003

Mr. Speaker:

I transmit herewith **SCR 106** and **S 1143** which have passed the Senate.

WOOD, Secretary

SCR 106 and **S 1143** were filed for first reading.

Report of Standing Committees

March 10, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 346**, **H 347**, **H 348**, **H 349**, **H 350**, **H 351**, and **H 352**.

FIELD(18), Chairman

H 346 was referred to the Education Committee.

H 347, **H 348**, **H 349**, **H 350**, **H 351**, and **H 352** were filed for second reading.

March 10, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 166**, **H 247**, and **H 223**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 166**, **H 247**, and **H 223**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 10, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 115**, **H 116**, **H 181**, **H 182**, **H 145**, **H 146**, **H 103**, **H 138**, **H 23**, **H 24**, and **H 25** to the Governor at 11:42 a.m., as of this date, March 7, 2003.

FIELD(18), Chairman

March 7, 2003

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 144** and report it back with amendments attached to be placed on General Orders for consideration.

BLACK, Chairman

H 144 was placed on General Orders for consideration.

March 7, 2003

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 160** and **H 167** and report them back with amendments attached to be placed on General Orders for consideration.

SALI, Chairman

H 160 and **H 167** were placed on General Orders for consideration.

March 10, 2003

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **SCR 109** and **SCR 110** and recommend they be referred to the State Affairs Committee.

SALI, Chairman

SCR 109 and **SCR 110** were referred to the State Affairs Committee.

March 10, 2003

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 323** and recommend that it do pass.

DEAL, Chairman

H 323 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 106, by State Affairs Committee, was introduced, read the first time by title, and referred to the Education Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 353 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2004; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; SETTING PROVISIONS FOR THE REAPPROPRIATION OF CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE SHARING OF FISCAL, HUMAN RESOURCES AND INFORMATION TECHNOLOGY RESOURCES WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION AND THE DIVISION OF VOCATIONAL REHABILITATION.

HOUSE BILL NO. 354 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 355

BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE PUBLIC HEALTH TRUST FUND FOR THE PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2004.

HOUSE BILL NO. 356 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO LIMITATIONS ON SMOKING IN PUBLIC PLACES; AMENDING SECTION 39-5502, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 39-5503, IDAHO CODE, TO EXTEND THE PROHIBITION ON SMOKING TO PUBLICLY-OWNED BUILDINGS OR OFFICES; AND AMENDING CHAPTER 55, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5511, IDAHO CODE, TO PROVIDE THAT MORE STRINGENT LOCAL PROVISIONS MAY BE ADOPTED.

HOUSE BILL NO. 357 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO SALES OF CIGARETTES; AMENDING SECTION 39-5702, IDAHO CODE, TO DEFINE ADDITIONAL TERMS; AMENDING SECTION 39-5710, IDAHO CODE, TO PROVIDE DUTIES OF THE ATTORNEY GENERAL IN THE CONDUCT OF ENFORCEMENT ACTIONS; AMENDING CHAPTER 57, TITLE 39, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 39-5714, 39-5715, 39-5716, 39-5717 AND 39-5718, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR DELIVERY SALES, TO PROVIDE AGE VERIFICATION REQUIREMENTS, TO PROVIDE DISCLOSURE REQUIREMENTS, TO PROVIDE SHIPPING REQUIREMENTS AND TO PROVIDE REGISTRATION AND REPORTING REQUIREMENTS.

HOUSE BILL NO. 358 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE TOBACCO MASTER SETTLEMENT AGREEMENT; AMENDING SECTION 39-7803, IDAHO CODE, TO REVISE HOW FUNDS PLACED IN ESCROW MAY BE RELEASED; TO PROVIDE SEVERABILITY AND TO PROVIDE A CONTINGENT EFFECTIVE DATE UPON CERTAIN CIRCUMSTANCES OCCURRING AND THE GOVERNOR ISSUING A PROCLAMATION AND FILING THE SAME WITH THE SECRETARY OF STATE; REPEALING SECTION 39-7803, IDAHO CODE; AND AMENDING CHAPTER 78, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-7803, IDAHO CODE, TO PROVIDE REQUIREMENTS UPON TOBACCO PRODUCT MANUFACTURERS SELLING CIGARETTES TO CONSUMERS WITHIN THE STATE.

HOUSE BILL NO. 359 BY EDUCATION COMMITTEE AN ACT

RELATING TO TEACHER COMPENSATION;

PROVIDING A STATEMENT OF LEGISLATIVE INTENT; AMENDING SECTION 33-1004A, IDAHO CODE, TO CREATE AN ALTERNATIVE METHOD TO DETERMINE DISTRIBUTION AMOUNTS; AMENDING SECTION 33-1004E, IDAHO CODE, TO ESTABLISH AN ALTERNATIVE METHOD FOR CALCULATION OF THE DISTRICT SALARY-BASED APPORTIONMENT; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004H, IDAHO CODE, TO PRESCRIBE THE METHOD FOR DETERMINATION OF THE PERFORMANCE ALLOWANCE; AND AMENDING SECTION 33-515, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM PROVISIONS GOVERNING CONTRACT RENEWAL FOR THE PERFORMANCE AWARD PORTION OF INSTRUCTIONAL SALARY.

H 353, H 354, H 355, H 356, H 357, H 358, and H 359 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1143, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 332, H 340, H 341, H 342, H 343, H 344, and H 345, by Appropriations Committee, were read the second time by title and filed for third reading.

H 318 and H 262, by Education Committee, were read the second time by title and filed for third reading.

H 302, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 282 and HJM 5, by Ways and Means Committee, were read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1143** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1143** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Cuddy. Total -- 1.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1143** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Bell to open debate.

The question being, "Shall **S 1143** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Bolz, Bradford, Cannon, Clark, Collins, Crow, Deal, Denney, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kellogg, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Skippen, Smith(24), Stevenson, Tilman, Wills, Wood, Mr. Speaker. Total -- 44.

NAYS -- Andersen, Bieter, Boe, Campbell, Cuddy, Douglas, Eberle, Edmunson, Henbest, Jaquet, Jones, Kulczyk, Langhorst, Martinez, Mitchell, Naccarato, Ridinger, Ringo, Robison, Sayler, Shepherd, Shirley, Smith(30), Smylie, Snodgrass, Trail. Total -- 26.

Total -- 70.

Whereupon the Speaker declared **S 1143** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that the House recess until 1:15 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:15 p.m.

RECESS

Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused -- Gagner. Total -- 1.
Total -- 70.

Prior to recess, the House was at the Seventh Order of Business.

Motions, Memorials, and Resolutions

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 291 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood and Mr. Roberts to open debate.

At this time, Mr. Denney took the Chair.

The question being, "Shall **H 291** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood. Total -- 66.

NAYS -- None.

Absent and excused -- Crow, Edmunson, Gagner, Mr. Speaker. Total -- 4.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 291** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 272 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Trail and Mr. Barraclough to open debate.

The question being, "Shall **H 272** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Bauer, Black, Block, Bradford, Campbell, Cannon, Collins, Denney, Eskridge, Field(23), Garrett, Harwood, Jaquet, Jones, Langford, McGeachin, Miller, Mitchell, Naccarato, Nielsen, Ring, Ringo, Rydalch, Sali, Schaefer, Skippen, Smith(30), Smith(24), Smylie, Tilman, Trail, Wills. Total -- 33.

NAYS -- Andersen, Barrett, Bedke, Bell, Bieter, Boe, Bolz, Clark, Crow, Cuddy, Deal, Douglas, Eberle, Edmunson, Ellsworth, Field(18), Henbest, Kellogg, Kulczyk, Lake, Langhorst, Martinez, McKague, Meyer, Moyle, Raybould, Ridinger, Roberts, Robison, Sayler, Shepherd, Shirley, Snodgrass, Stevenson, Wood. Total -- 35.

Absent and excused -- Gagner, Mr. Speaker. Total -- 2.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 272** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

H 328 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Field(23) to open debate.

The question being, "Shall **H 328** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood. Total -- 65.

NAYS -- None.

Absent and excused -- Bieter, Eskridge, Gagner, Smith(24), Mr. Speaker. Total -- 5.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 328** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 303 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wills to open debate.

The question being, "Shall **H 303** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Cuddy, Deal, Douglas, Edmunson, Ellsworth, Field(18), Field(23), Garrett, Henbest, Jaquet, Jones, Kellogg, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 52.

NAYS -- Barrett, Bradford, Clark, Collins, Crow, Denney, Eberle, Harwood, Kulczyk, Lake, McKague, Raybould, Sali, Schaefer, Tilman, Wood. Total -- 16.

Absent and excused -- Eskridge, Gagner. Total -- 2.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 303** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Tuesday, March 11, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 2:25 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk